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Attorney for Providence Health & Services - Washington

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

LISA WIETFELD,

Plaintiff,

vs.

PROVIDENCE HEALTH & SERVICES –  
WASHINGTON d/b/a PROVIDENCE  
CHINIAK BAY ELDER HOUSE,

Defendant.

Case No. 3:15-cv-\_\_\_\_\_

On removal from the Superior Court  
for the State of Alaska, Third Judicial  
District at Kodiak  
Case No. 3KO-15-233 CI

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1332, 1441 and 1446, Providence Health & Services – Washington (“defendant”), by and through undersigned counsel, hereby gives notice and removes this case to the United States District Court for the District of Alaska at Anchorage.

In accordance with 28 U.S.C. § 1446(a), the grounds for removal are as follows:

**BACKGROUND AND PROCEDURAL REQUIREMENTS.**

1. Providence Health & Services - Washington d/b/a Providence Chiniak Bay Elder House is the defendant in the action titled *Lisa Wietfeld vs. Providence Health & Services d/b/a Providence Chiniak Bay Elder House* pending in the Superior Court for the State of Alaska, Third Judicial District at Kodiak, Case No. 3KO-15-233 CI (“State Court Action”).

2. Plaintiff filed her complaint in the State Court Action on October 16, 2015.

3. Defendant was served with process in the State Court Action via certified mail on December 4, 2015.

4. This Notice of Removal is timely as it is being filed within 30 days after receipt of the initial pleading and within 30 days of service of process as required by 28 U.S.C. § 1446(b).

5. Pursuant to 28 U.S.C. § 1446(a), defendant attaches as Exhibit A hereto a copy of the Complaint in the State Court Action.

**THIS COURT HAS JURISDICTION BECAUSE THE PARTIES ARE DIVERSE AND THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.**

6. Defendant is now, and at the time this action was commenced was, a Washington corporation with its principal place of business in the State of Washington.

7. Plaintiff, Lisa Wietfeld, is a resident of the state of Alaska and seeks damages “in excess of \$100,000.” *See* Complaint at para. 1 and 10.

8. This Court has original jurisdiction of the State Court Action under 28 U.S.C. § 1332 and removal jurisdiction under 28 U.S.C. § 1441(a) and (b).

**VENUE AND REMOVAL UNDER 28 U.S.C. § 1441(a).**

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1446(a), because the United States District Court for the District of Alaska is the district in which the State Court Action was pending.

10. This matter is removable under 28 U.S.C. § 1441 as a civil action over which the United States District Court for the District of Alaska has original subject matter jurisdiction under 28 U.S.C. § 1332.

11. Removal is timely under 28 U.S.C. § 1446(b)(2)(B).

**EFFECTUATION OF REMOVAL.**

12. The defendant hereby removes this action to the United States District Court for the District of Alaska.

13. By filing this Notice of Removal, the defendant expressly consents to the removal.

14. Pursuant to 28 U.S.C. § 1446(a), the Complaint, on file in the record of the State Court Action, is attached as Exhibit A.

15. The allegations of the Notice of Removal were true at the time the State Court Action was commenced and remain true as of the date of filing of this Notice of Removal.

16. Undersigned counsel certifies that a notice of filing removal, along with a copy of this Notice of Removal will be promptly filed with the Superior Court for the State of Alaska, Third Judicial District at Kodiak.

WHEREFORE, the defendant hereby removes this action to the United States District Court for the District of Alaska.

RESPECTFULLY SUBMITTED this 17th day of December, 2015.

By /s/ Eric T. Sanders

LAW OFFICE OF ERIC SANDERS

Eric T. Sanders

Email: [sanders@frozenlaw.com](mailto:sanders@frozenlaw.com)

[Alaska Bar No. 7510085]

Attorney for Defendant

Certificate of Service

I hereby certify that a true and correct copy of the foregoing

**Notice of Removal** was served by mail / electronically

on the 17th day of December, 2015:

Michele Power

Power & Brown

800 E. Dimond Blvd., Suite 3-395

Anchorage, Alaska 99515

[mpower@powerbrown.com](mailto:mpower@powerbrown.com)

By /s/ Eric Sanders